

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NMT MEDICAL, INC.)
and LLOYD A. MARKS,)
Plaintiffs,)
v.) Civil Action No. 08-790 (SLR/MPT)
W.L. GORE & ASSOCIATES, INC.,)
Defendant.)

STIPULATED ORDER OF DISMISSAL WITH PREJUDICE

The parties, by their undersigned counsel, stipulate and agree, subject to the approval of the Court, that:

1. Civil Action No. 08-790 (SLR/MPT) is hereby dismissed in its entirety with prejudice pursuant to Rule 41(a)(1), Fed. R. Civ. P.; and
2. This Court shall retain jurisdiction of all matters concerning the settlement in this action, including over the Settlement Agreement entered into by the parties in this action, for the purpose of enforcing the Settlement Agreement. The Settlement Agreement shall be and is hereby incorporated by reference into this Stipulated Order; and
3. Each party shall bear its own costs and attorneys' fees.

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Attorneys for Defendant
W.L. Gore & Associates, Inc.

SO ORDERED:

Dated: _____, 20____

United States District Judge

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